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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,713	04/19/2000	Koukichi Masumoto	3064NG/48834	3146

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EXAMINER
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TUGBANG, ANTHONY D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/552,713

**Applicant(s)**

MASUMOTO, KOUKICHI

**Examiner**

A. Dexter Tugbang

**Art Unit**

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,8-10 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 2,4,6,11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The applicant(s) amendment filed on A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/22/05 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5, 8-10, 13, 14 and 15 rejected under 35 U.S.C. 102(b) as being anticipated by Byrd.

Byrd discloses a fixing holder comprising a holder that is engaged with a printed circuit board. The examiner has provided Attachment A herein to show all of the structural elements of the claims, i.e. “holder main body portion” with top and bottom openings, “base portion”, “projection”, etc. The claimed “slanted surface” labeled in Attachment A is capable of contacting an upper surface of the printed circuit board by turning the fixing holder over.

Regarding Claim(s) 8 and the detailed recitation at lines 5-8, Byrd shows in Figure 5 an electrical component (battery 27a) that is arranged in an area of the top opening and wire-shaped leg portions (wires not labeled) protruding from the bottom opening. Moreover, the Attachment A has been further labeled to show the claimed “side surface” of the holder main body portion, which is on a side and includes a “projection” (37) that directly engages the printed circuit board (see Fig. 4).

#### ***Response to Arguments***

4. The applicant(s) arguments with respect to Claims 1-6 and 8-16 have been fully considered, but have not been deemed to be found as persuasive.

#### **Claim 15**

It is noted that in the previous Office Action (dated June 15, 2005), a typographical error occurred in that Claim 15 was inadvertently omitted from paragraph 3. The cover sheet (PTOL-326) clearly indicated that Claim 15 was rejected. More importantly, the structure of Claim 15 was similar in subject matter to that of Claims 1 and 3, which also were rejected in the previous Office Action with Byrd.

The applicant(s) assert that since Claim 16 is allowable, that Claim 15 also should be allowable for the same reasoning that the claimed “slanted surface” contacts the upper surface of the printed circuit board. However, the most respectfully examiner traverses. Claim 16 specifically requires that the slanted surface directly contact the upper surface of the printed circuit board (at lines 29-31 of Claim 16), yet Claim 15 makes no such distinction. In Claim 15, the recitation of “slanted surface...is adapted to contact an upper surface of the printed circuit

Art Unit: 3729

board” (lines 20-22), requires only that the slanted surface be capable of performing that function of contacting the upper surface of the printed circuit board. The emphasis here is on the phrase “is adapted to” and the examiner notes that the slanted surface of Byrd is certainly capable of contacting the upper surface of the printed circuit board by turning the fixing holder over.

Byrd

The applicant(s) further argue that Byrd does not teach that the holder is not substantially closed and hollow in a longitudinal direction and that the holder does not have a base portion that extends beyond the holder main body portion in this longitudinal direction from one longitudinal end of the holder main body portion.

The examiner has again provided Attachment A to illustrate his point in that the claims only require one direction, i.e. longitudinal direction, and that while the examiner agrees with the applicant(s) that the base portion extends from the holder main body portion in a lateral direction, or in a laterally adjacent direction, this lateral direction can be read as the “longitudinal direction. Therefore, Byrd fully satisfies these limitations directed to the “longitudinal direction”.

***Allowable Subject Matter***

5. Claim 16 is allowed.
6. Claims 2, 4, 6, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter.

Art Unit: 3729

Regarding Claim(s) 2, the prior art does not teach all of the limitations of the claimed invention including the wire leg shaped portions protruding from the bottom opening by passing through holes at the printed circuit board. While Byrd does show wire shaped leg portions (in Fig. 5), the wire shaped leg portions do not pass through any holes in the printed circuit board.

Regarding Claim(s) 16, the prior art does not teach all of the limitations of the claimed invention including a slanted surface that contacts the upper surface of the printed circuit board. While Byrd does teach various slanted surfaces, the surfaces of Byrd that contact the upper surface of the printed circuit board are flat, and not slanted. Thus, none of the slanted surfaces of Byrd contact the upper surfaces of the printed circuit board.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 3729

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570.

The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**A. Dexter Tugbang**  
**Primary Examiner**  
**Art Unit 3729**

December 9, 2005

